.IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO. 862 OF 2015

Shri Sanjeev S/o Narhari Khadke,)
Age:57 Yrs, Occ. Service as)
Deputy Registrar- Presently holding)
Additional Charge as Div. Jt. Registrar,)
Co-op. Societies, Pune Division, Pune)
R/o Sonhari, 23, Nirmal Baug Society,)
Shivdarshan, Near Muktangan School,)
Aranyeshwar, Pune – 411 009.)**...Applicant**

VERSUS

1. The State of Maharashtra,)
(Copy to be served through)
Presenting Officer, M.A.T., Mumbai.)

2. The Secretary,)
Co-Operation, Marketing & Textile)
Department, Mantralaya,)
Mumbai – 400 032.)

3. The Commissioner of Co-operation)
and Registrar of Co-operative Societies,)
M.S., Pune – 411 001.)**....Respondents**

Shri A.S. Deshpande, the learned Advocate for the Applicant.

Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

CORAM : Shri R.B. Malik (Member) (J)

DATE : 24 .02. 2016

JUDGMENT

1. This Original Application can be disposed of here and now.

2. Heard Shri A.S. Deshpande, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

3. Although initially request came to be made by the learned P.O. to adjourn the matter after formally admitting it for the reasons to be set out it will become clear that this O.A. can be disposed of as I mentioned here and now.

4. The Applicant has since retired on 31st October, 2015. On the last day of his career he was served with a charge sheet. There against he brought the present O.A. seeking the relief of furnishing of documents referred to in prayer clause 'b'. Under prayer clause 'c', interim relief was sought against taking any adverse action against the Applicant.

5. In the meanwhile the Applicant took out a Contempt Application bearing no.111 of 2015 pertaining to charge sheet issued to him. It is not necessary to detail out the various heads of charges. The Hon'ble Chairman made

orders thereon from time to time. Ultimately the Respondent No.2 i.e. State of Maharashtra issued a communication dated 17.12.2015 withdrawing the said charge sheet. By way of caution the said communication is marked as 'X'. It shall form part of the record. It is self speaking and requires no further elaboration. The issue is as to whether the O.A. needs to be kept pending in view of circumstances mentioned above with particular reference to the document marked as 'X'.

6. Even if the ultimate scope of the prayer clause 'b' was as indicated above that would have been still on the basis that the said D.E. was a live proceeding which it is not now and therefore this O.A. even otherwise need not be kept pending. It is not necessary for me to make any observation about the various possibilities in the form of the course of action available to the Respondents in which connection reference came to be made at the bar to rule 27 of Maharashtra Civil Services (Pension) Rules, 1982. It is quite clear that if at all there is any power and right therein to the Respondents, the right of the Applicant is also to be there. I propose to add nothing more to that and O.A. stands disposed of with no order as to costs.

Sd/-

(R.B. MALIK) 24.02.16
(MEMBER) (J)

Date : 24.02.2016
Place : Mumbai
Dictation taken by : SBA
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